

No. 20943

**AUSTRIA
and
YUGOSLAVIA**

Agreement on administrative co-operation in customs matters and on mutual assistance for the prevention of customs offences. Signed at Belgrade on 15 March 1978

Authentic texts: German and Serbo-Croatian.

Registered by Austria on 8 March 1982.

**AUTRICHE
et
YOUgoslavie**

Accord relatif à la coopération administrative en matière de douane et à l'assistance mutuelle pour la répression des infractions aux règlements douaniers. Signé à Belgrade le 15 mars 1978

Textes authentiques : allemand et serbo-croate.

Enregistré par l'Autriche le 8 mars 1982.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE REPUBLIC OF AUSTRIA AND THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA ON ADMINISTRATIVE CO-OPERATION IN CUSTOMS MATTERS AND ON MUTUAL ASSISTANCE FOR THE PREVENTION OF CUSTOMS OFFENCES

The Republic of Austria and the Socialist Federal Republic of Yugoslavia,

Desiring to facilitate the traffic of passengers and goods across the common frontier by further developing co-operation between the customs administrations of the two States,

Considering that offences contravening customs regulations are detrimental to their economic, fiscal and commercial interests,

Convinced that the prevention of such offences will be made more effective through the co-operation of their customs administrations,

Have agreed as follows:

Article 1. Under this Agreement, the customs administrations of the Contracting Parties shall, through close co-operation, facilitate so far as possible the traffic of passengers and goods across the common frontier and assist each other in the prevention of offences contravening customs regulations.

Article 2. For the purposes of this Agreement:

(a) “Customs regulations” means the legislative provisions of the Contracting Parties to be enforced by the customs administrations concerning the import, export, transit or storage of goods in respect of customs duties or other import or export charges;

(b) “Customs administration” means, in the Republic of Austria, the Federal Ministry of Finance and its subordinate customs authorities and, in the Socialist Federal Republic of Yugoslavia, the Federal Customs Administration and customs offices;

(c) “Offence” means a violation of the customs regulations.

Article 3. (1) The customs administrations of the Contracting Parties shall adopt measures in accordance with their legislative provisions and by mutual agreement to facilitate and expedite so far as possible the traffic of passengers and goods across the common frontier.

(2) Pursuant to paragraph (1), the customs administrations shall, in particular:

(a) Co-ordinate the clearance periods and clearance functions of their respective customs offices;

(b) Co-ordinate their customs provisions for the crossing of the frontier outside the customs roads in exceptional cases;

(c) Adopt measures to avoid or relieve congestion in the traffic of passengers or goods in connexion with customs clearance.

Article 4. (1) On request, the customs administrations of the Contracting Parties shall assist each other, pursuant to article 1, in preventing, detecting and investigating offences. This assistance shall not extend to the arrest of passengers, the carrying out of

¹ Came into force on 1 August 1979, i.e., the first day of the third month following the date of the exchange of the instruments of ratification, which took place at Vienna on 31 May 1979, in accordance with article 15 (2).

house or personal searches or the levying and compulsory collection of customs duties, other import or export charges, fines and other amounts.

(2) The law of the requested Contracting Party shall apply for the purposes of enforcing the necessary measures under this Agreement.

Article 5. (1) At the request of the customs administration of each Contracting Party, the customs administration of the other Contracting Party shall also provide:

- (a) Information as to whether customs seals, identification marks or official documents submitted to the customs authorities are genuine;
- (b) All information available to it from customs papers or obtainable through other documents which relates to goods traffic assumed to be in contravention of the customs regulations of the other Contracting Party and is particularly relevant to the type, quantity or value of the goods.

(2) The customs administration of each Contracting Party shall provide the customs administration of the other Contracting Party spontaneously and as quickly as possible with information:

- (a) Concerning observations justifying the suspicion that an offence was committed or planned in the territory of the other Contracting Party;
- (b) Concerning the discovery of new ways and means of committing offences.

Article 6. (1) The customs administration of each Contracting Party shall, at the request of the customs administration of the other Contracting Party, monitor, so far as possible, for a specific period:

- (a) The entry and departure of certain persons who are suspected of committing, for gainful purposes, offences contravening the customs regulations of the other Contracting Party;
- (b) Traffic in certain goods which, as reported by the other Contracting Party, are part of an extensive illegal traffic into or out of its territory;
- (c) Certain vehicles, vessels and aircraft suspected of being used for the commission of offences in the territory of the requesting Contracting Party.

(2) The requesting customs administration shall be informed of the results of the monitoring.

Article 7. The customs administrations of the Contracting Parties shall provide each other, spontaneously or on request, as quickly as possible with all information concerning offences the prevention of which is of special mutual interest. This shall apply in particular to traffic in habit-forming drugs, weapons, ammunition and explosives, in articles of historical, artistic, cultural or archaeological importance and in highly dutiable goods such as alcohol and tobacco products.

Article 8. (1) Assistance may be refused if the requested Contracting Party is of the opinion that the assistance is likely to infringe its sovereignty, security, public order or other essential interests.

(2) If a request is made and if, in a reverse case, the customs administration of the requesting Contracting Party were to be unable to provide the desired assistance, the customs administration of the requesting Contracting Party shall draw attention thereto in its request. In such a case, the requested customs administration shall be free to comply with the request.

(3) If a request cannot be complied with in whole or in part, the requesting Contracting Party shall be so informed.

Article 9. (1) The information, papers and other communications received as a

result of assistance shall be used only for purposes of this Agreement and only subject to the conditions laid down by the customs administration which transmitted them; they may be passed on to persons, authorities or offices other than those entrusted with their use for these purposes only if the customs administration which transmitted them expressly agrees thereto. This shall not apply to information, papers and other communications concerning offences involving habit-forming drugs, weapons, ammunition and explosives.

(2) The information, papers and other communications shall, in the territory of the recipient Contracting Party, be given protection under the official secrecy provisions in force in this territory.

Article 10. The information, papers and other communications received pursuant to this Agreement may be presented as evidence in proceedings for the levying of customs duties or other import or export charges and in proceedings concerning financial offences both to the administrative authorities and to the courts; their use and status as evidence in these proceedings shall be governed by the national law of the Contracting Parties concerned.

Article 11. (1) Documents and other papers shall as a rule be transmitted in the form of copies. The transmittal of original documents and other papers shall be required only if the transmittal of copies is not sufficient; the requested Contracting Party shall, if possible, comply with such a request.

(2) Original documents and papers and other articles which are transmitted shall be returned as soon as possible to the requested customs administration.

Article 12. The customs administrations of the Contracting Parties shall exchange:

- (a) The experiences gained in their work which relate to the organization of the customs service, the training and refresher training of personnel, the application and utilization of technical aids and to other relevant areas of mutual interest, and
- (b) Their customs regulations and specialized documents.

Article 13. The Contracting Parties shall, on a basis of reciprocity, waive all claims to the reimbursement of the costs arising from the implementation of this Agreement.

Article 14. (1) The assistance specified in this Agreement shall be provided directly between the customs administrations of the Contracting Parties.

(2) The customs administrations of the Contracting Parties may communicate with each other directly in dealing with matters arising from this Agreement which do not concern either foreign policy or international law.

(3) The Federal Ministry of Finance and the Federal Customs Administration shall, after mutual consultation, adopt the measures necessary for implementing this Agreement. They shall settle difficulties or doubts which may arise in the interpretation or implementation of the Agreement by mutual agreement.

(4) Representatives of the Federal Ministry of Finance and the Federal Customs Administration shall meet at least once a year to discuss the duties deriving from this Agreement. They shall ensure that the authorities under their jurisdiction keep in constant and direct touch for the purpose of ascertaining the duties assigned to them.

(5) Correspondence between the customs administrations of the Contracting Parties shall, as a rule, be conducted in the national language of the Republic of Austria and in the official languages of the Socialist Federal Republic of Yugoslavia.

Article 15. (1) This Agreement shall be subject to ratification and the instruments of ratification shall be exchanged in Vienna.

(2) This Agreement shall enter into force on the first day of the third month after the exchange of the instruments of ratification.

(3) This Agreement may be denounced in writing through the diplomatic channel; it shall cease to have effect one year after denunciation.

DONE at Belgrade on 15 March 1978, in duplicate in the German and Serbo-Croatian languages, both texts being equally authentic.

For the Republic of Austria:
Dr. PERRELLI

For the Socialist Federal Republic of Yugoslavia:
KEMAL TARABAR
